Testimony from Michael T. Ross, M.D.

Dear Chairman Vanregenmorter,

I regret that I cannot appear in person for the committee hearing on 4161. I supported Representative Pastor's original proposal for HB 4161 which called for repeal of MCL 722.1006. His latest draft substituting temporary custody for custody does not amount to any substantive change from the current statute with respect to application. As drafted, it will not preserve the newborn's full and equal access to its male parent and will in fact discriminate negatively against that parent to the long term disadvantage of the child. Therefore, it is not supportable.

HB 4161 is seriously flawed. It discriminates based upon a gender bias. The current statute as it exists purports to serve the interests of the state over those of its citizens by violating a key provision of the US Constitution. The overriding goals here should be to assure that a newborn child in this scenario is assured of full and equal access to both parents and that both mother's and father's rights and responsibilities to parent that child fully and equally are preserved. These goals are truly in the best interests of the people of Michigan, i.e., the State.

No doubt, at the birth of a child a mother has a special and different role as a parent which is influenced by her biology. This however, is only a temporary condition. The biological circumstances at birth do not assure that either parent would be a better caretaker. In an ideal world, a newborn child should have two parents who have joined their lives in a loving, cooperative and collaborative venture to support and nurture their child together. Unfortunately, the reality of life in our state is much different. Thirty percent of children in Michigan are born out of wedlock. In Detroit, this statistic rises to seventy percent.

Given these facts, we must aim for the next best circumstance for children born outside of marriage and for their parents. That is for both parents to have full and equal stature in rearing their offspring, even if it must be apart. If the Michigan legislature is intent on empowering a parentage form to accomplish a stabilizing influence for a child with unwed parents [acknowledging the state's special interest in the economic stability particularly], then that form must enshrine in the statute creating the form the principles described in the overriding goals referred to in the second paragraph above.

Differences in gender should not pertain in this situation. If the parents were married and mother died in child birth, father would have to take that newborn home and assure its survival. If a newborn must have two homes from the outset of its life, then so be it. What MCL 722.1006 needs is a provision for a default parenting plan that outlines the care of the newborn from the time it leaves the hospital if the biological parents have not created an alternative plan already.

The other problem with 4161 is that it does not address item g under MCL 722.1007 which denies the parents a chance to present DNA evidence and or testimony refuting parentage after signing the parentage form. Truth should always have priority. Perhaps DNA evidence of parentage should be a standard step in such situations. Certainly, such evidence should not be denied.

I urge you not to pass the revised draft of Rep. Pastor's HB 4161. The original language repealing 722.1006 should be passed. A flawed compromise version in which the latest draft of HB 4161 is retained and modified to include a provision completely striking item g of 722.1007 would represent an improvement over the current MCL 722.1006 and 722.1007.

Thank you for the opportunity to enter this statement into the record of this week's Judiciary Committee hearing on HB 4161.

Sincerely,

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